

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. Robert Edward Lazar, Jr.

Docket No. 7:10-MJ-1067-1RJ

Petition for Action on Probation

COMES NOW Scott Plaster, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Robert Edward Lazar, Jr., who, upon an earlier plea of guilty to Simple Possession, in violation of 21 U.S.C. § 844, was sentenced by the Honorable Robert B. Jones, Jr., U.S. Magistrate Judge, on August 11, 2010, to a 12 month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

On September 3, 2010, the court was notified the defendant had tested positive for cocaine on August 16, 2010, and he admitted using the same. The defendant was referred to substance abuse counseling, placed in the Surprise Urinalysis Program, and reprimanded for his decision to use illegal drugs. It was recommended no punitive action be taken at that time so the defendant could have the opportunity to attend treatment.

On September 9, 2010, the defendant reported to the office and submitted a drug screen with a positive result for marijuana and cocaine. The court was notified that the defendant admitted using both drugs, and had voluntarily entered a faith-based, inpatient, substance abuse treatment program on September 8, 2010. Based upon the defendant's willingness to voluntarily enter an inpatient treatment program, he was verbally reprimanded for his choice to use illegal drugs, and no further action was recommended.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On September 17, 2010, the defendant walked away from the inpatient treatment program following a disagreement with the director of the program. When the probation officer made contact with the defendant at his residence on September 20, 2010, the defendant admitted he made a mistake by leaving the treatment home, but he denied using illegal drugs. He subsequently submitted a drug screen on September 21, 2010, that returned from the lab positive for both marijuana and cocaine. When confronted with the positive result, the defendant admitted using marijuana, but he denied knowingly using cocaine. The defendant returned to the program, run through Impact

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Community Center, on September 28, 2010, and according to the program director, Mr. Lazar's attitude is much better than when he left the program on September 17, 2010. In lieu of returning to court for revocation proceedings, we are recommending the defendant perform 24 hours of community service work while he undergoes inpatient treatment. Mr. Lazar has been warned that any further noncompliance will result in a return to court for revocation proceedings. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

2. The defendant shall perform 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

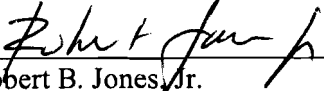
I declare under penalty of perjury that the foregoing is true and correct.

/s/Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

/s/Scott Plaster
Scott Plaster
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: (919) 861-8660
Executed On: October 21, 2010

ORDER OF COURT

Considered and ordered this 27 day of October, 2010, and ordered filed and made a part of the records in the above case.


Robert B. Jones, Jr.
U.S. Magistrate Judge